

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MCR OIL TOOLS, LLC,

Plaintiff,

v.

DMG MORI USA, INC. et al.,

Defendants.

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Civil Action No. 4:20-cv-00560-O

PLAINTIFF'S RULE 26(a)(2) EXPERT WITNESS DESIGNATION

Pursuant to Federal Rule of Civil Procedure 26(a)(2) and the Court's July 1, 2020 Scheduling Order, Plaintiff makes its Expert Witness Designation to Defendants. Said designation is made based on the information reasonably known to Plaintiff at this time, and Plaintiff reserves the right to amend or supplement with additional information or responsive documents that may become available.

I.

DESIGNATION OF EXPERT WITNESS

1. Marc A. Stach
Larry L. Fowler, Jr.
HARRIS COOK, L.L.P.
1309-A West Abram
Arlington, Texas 76013

Messrs. Stach and Fowler are Plaintiff's attorneys and are expected to offer expert testimony regarding reasonable and necessary attorney's fees for the prosecution of this matter and to rebut any expert testimony offered by Defendants regarding attorney fees in this matter.

The opinion of Mr. Stach and the opinion of Mr. Fowler is each based, respectively, on his experience and familiarity with fees customarily charged in Tarrant County, Texas in cases of this type; his personal knowledge gained by participation in the litigation of this matter, of the

legal services performed by his firm and the legal services performed by counsel for Plaintiff; his review of the billing records and time records of this matter, and his review of his firm's file in this matter, including pleadings, briefs, written discovery, depositions, correspondence and research.

Mr. Stach and Mr. Fowler each would rely both on personal experience and on records (which may be redacted as to certain privileged information) depicting the time spent by attorneys on behalf of the parties, the services performed for or on behalf of the parties, and the fees charged for such time and services. Each may also rely on non-privileged information, such as the pleadings and discovery in this case, and the documents produced by all parties in this litigation.

Mr. Stach's and Mr. Fowler's CVs can be obtained at <https://harriscooklaw.com/>.

2. Stephen Fenstermacher
c/o Marc A. Stach
HARRIS COOK, L.L.P.
1309-A West Abram
Arlington, Texas 76013

Mr. Fenstermacher is Chief Financial Officer of Plaintiff, located at 7327 Business Place, Arlington, Texas 76001; 817-701-5100 (telephone). Mr. Fenstermacher is experienced with serving as a Chief Financial Officer of multiple companies, growing successful companies, crisis management, corporate restructuring, high-value financial transactions, mergers and acquisitions, strategic business planning, financial analysis, and related fields. Mr. Fenstermacher has a B.A. from the University of Notre Dame, and a M.B.A. from the University of Pittsburgh. Mr. Fenstermacher would testify concerning the transaction between Plaintiff and Defendants, and that damages, including consequential damages, were caused to Plaintiff by Defendants. Mr. Fenstermacher's testimony may be based on the documents produced by the parties, witness testimony, and his background, training, and experience. Mr. Fenstermacher has not prepared a written report; however, Plaintiff reserves the right to supplement this designation with a written report in the event such a report becomes available. Mr. Fenstermacher's CV can be obtained at <https://www.linkedin.com/in/stevefenstermacher>.

3. Mike Ward
c/o Marc A. Stach
HARRIS COOK, L.L.P.
1309-A West Abram
Arlington, Texas 76013

Mr. Ward is Manufacturing Manager of Plaintiff, located at 7327 Business Place, Arlington, Texas 76001; 817-701-5100 (telephone). Mr. Ward is experienced with the development, manufacturing, supply, and operation of pipe recovery technology and the component parts used therein. Mr. Ward would testify concerning the performance of the machines that are the subject of the lawsuit, and that they failed to excel in dynamic performance, failed to allow powerful milling, failed to ensure and achieve high-efficiency

machining of shafts and bar materials, and that they were not fully or reliably operational, and that were not merchantable or reasonably fit for Plaintiff's purposes due to defective design, build, delivery, and/or installation of such machines. Mr. Ward has not prepared a written report or a CV at this point in time; however, Plaintiff reserves the right to supplement this designation with a written report in the event such a report becomes available.

4. Jeremy Davis
Apollo Machine Tool Service, Inc.
717 109th Street
Arlington, Texas 76011

Mr. Davis is a Machine Technician with Apollo Machine Tool Service, Inc. Mr. Davis is experienced with the operation of pipe recovery technology and the component parts used therein. Mr. Davis would testify concerning the performance of the machines that are the subject of the lawsuit, and that they failed to excel in dynamic performance, failed to allow powerful milling, failed to ensure and achieve high-efficiency machining of shafts and bar materials, and that they were not fully or reliably operational, and that were not merchantable or reasonably fit for Plaintiff's purposes due to defective design, build, delivery, and/or installation of such machines. Mr. Davis has not prepared a written report or a CV at this point in time; however, Plaintiff reserves the right to supplement this designation with a written report in the event such a report becomes available.

5. Wesley Thompson
Koch Machine Tool
8500 Westland W. Blvd.
Houston, Texas 77041

Mr. Thompson works at Koch Machine Tool, and has over 20 years of industry experience with manufacturing and distribution of machine tools, and was educated at Texas State Technical College-Marshall. Mr. Thompson is experienced with the operation of pipe recovery technology and the component parts used therein. Mr. Thompson would testify concerning the performance of the machines that are the subject of the lawsuit, and that they failed to excel in dynamic performance, failed to allow powerful milling, failed to ensure and achieve high-efficiency machining of shafts and bar materials, and that they were not fully or reliably operational, and that were not merchantable or reasonably fit for Plaintiff's purposes due to defective design, build, delivery, and/or installation of such machines. Mr. Thompson has not prepared a written report at this point in time; however, Plaintiff reserves the right to supplement this designation with a written report in the event such a report becomes available. Mr. Thompson's CV can be obtained at <https://www.linkedin.com/in/wesley-thompson-55166982/>.

Plaintiff may designate or call any other individual or party to testify on its behalf as an expert rebuttal witnesses. Plaintiff reserves the right to call undesignated rebuttal expert witnesses whose testimony cannot be reasonably foreseen until the presentation of any evidence against Plaintiff. Plaintiff further reserves the right to supplement this designation with additional designations of experts within the time limits imposed by the Court or any alterations of same by subsequent Court Order, agreement of the parties, or pursuant to the Federal Rules of

Civil Procedure. Plaintiff reserves the right to withdraw the designation of any expert witness. Plaintiff reserves the right to elicit by cross-examination opinion testimony from experts designated and called by other parties to this action. Plaintiff may call as witnesses associated with adverse parties any other experts designated by any party. Plaintiff reserves any additional rights it may have regarding experts under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, construing case law, and the rulings of the trial court.

Respectfully submitted,

By: /s/ Marc A. Stach
Marc A. Stach
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Larry L. Fowler, Jr.
State Bar No. 07321900
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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2021, I electronically filed the foregoing with the Clerk of Court using the Court's electronic filing system and that a copy of the foregoing was sent to the all counsel of record via same in compliance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

/s/ Marc A. Stach
Marc A. Stach